

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

July 31 – August 4, 2006

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
7-31	EX	76589284	Montefiore Medical Center	Seeherman* Hairston Walsh	2(d)	Refusal Affirmed		“BRIDGING THE GAP BETWEEN EDUCATION AND PRACTICE” [educational services, namely, arranging and conducting classes, seminars, conferences, demonstrations and workshops in the field of medicine, and distributing course materials in connection therewith]	“BRIDGING THE GAP BETWEEN SCIENCE AND PRACTICE” [development and dissemination of educational materials in the field of sports medicine; educational services, namely, arranging and conducting classes, seminars, conferences and workshops in the field of sports medicine; and educational testing services]	Turner	No
7-31	EX	78285760	Azimuth Systems, Inc.	Quinn* Grendel Cataldo	2(d)	Refusal Reversed		“AZIMUTH DIRECTOR” [computer software, namely, software for synchronized setup, operation and reporting of test equipment and procedures in the wireless network test environment]	“AZIMUTH INCORPORATED” (and design) [computer development software services in the field of information operations; computer network design and engineering services; and technical consultation and research in the fields of navigation and communications]	Mays	No
7-31	EX	78262178	Alimentos Naturales Sabroza, S.A. de C.V.	Seeherman* Quinn Cataldo	2(d)	Refusal Affirmed		“LA SABROZITA” (in stylized lettering) [picante sauces, taco sauce and salsa]	“;SABROSITO!” (and design) [rices, spices, soups, and sauces]	Gartner	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

July 31 – August 4, 2006 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
7-31	EX	76604925	Electric Art, Inc.	Grendel* Drost Zervas	2(e)(1)	Refusal Affirmed in both classes		"ELECTRIC ART" [<i>in Class 16</i> : graphic art prints and reproductions; <i>in Class 35</i> : on-line retailing and wholesale distributorship services, catalog mail order services and telephone order services, all in the field of graphic art prints and reproductions and sculptures]		Fletcher	No
7-31	EX	78466753	Salute LLC	Quinn Hohein* Cataldo	2(d)	Refusal Affirmed		"SALUTE" [clothing, namely, shirts, pants, shorts, skirts, dresses, sweaters, vests, cardigans, jackets, coats, gloves, scarves, underpants, bath robes, hats, caps, and shoes]	"SALUTE OLEG CASSINI" [wearing apparel, namely, shirts, pants, sweaters, jackets, shorts, warm-up suits and jeans]	G. Lorenzo	No
8-2	EX	76501640	Classic Media, Inc.	Seeherman Quinn* Walters	2(e)(1)	Refusal Affirmed		"SATURDAY MORNING T.V." [motion picture films featuring classic television programs; cinematographic films for television featuring classic television programs; pre-recorded video cassettes; video tapes, video discs and DVDs, disc phonograph records, CDs, audio tapes and audio cassettes featuring classic television programs]		Bell	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

July 31 – August 4, 2006 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-2	EX	78361958	Feng Shui Synergies Corporation	Seeherman Hairston Drost*	2(e)(1)	Refusal Affirmed in both classes		"FENG SHUI" [a wide range of goods in Class 24, including: tablecloths, bath linen, bed linen, cloth (of various types), curtains, etc.; in Class 27: fabric bath mats and textile bath mats]		Dwyer	No
8-2	EX	78259826	The Kong Company, LLC	Kuhlke Walsh* Cataldo	2(e)(5) [functional]	Refusal Affirmed		configuration of applicant's goods [pet toys]		Webster	No
8-2	EX	78324310	JDK Select, Inc.	Seeherman Drost Walsh*	2(d); Section 6 disclaimer requirement of the words SIN CITY	Refusal Affirmed on 2(d) ground only		"SIN CITY BREWING COMPANY" [wearing apparel, namely, t-shirts, tank tops, sweaters, shorts, pants, socks, undergarments, headbands, hats, caps, sweatshirts, sweat pants, shoes, boots, sneakers, and other items]	"SIN CITY" [clothing, namely, tops and bottoms, t-shirts, sweatshirts, sweaters, shorts, sweatpants, socks, underwear, pants, sweatbands, hats, caps, socks, shoes, boots, and sneakers]	Jackson	No
8-2	EX	76621444	Iron Horse Bicycle Company LLC	Quinn Grendel* Holtzman	2(d)	Refusal Affirmed		"SINISTER" [bicycles]	"SINISTER STEERING SYSTEMS" (and design) [bicycle parts, namely, BMX style bicycle forks]	Tierney	No
8-2	EX EX	78304942 78304953	Brouwerij Nacional Balashi NV	Quinn Hohein* Drost	2(e)(2)	Refusal Reversed in both cases		"BALASHI BEER" and "BALASHI" [both marks for beer]		Vanston	Yes
8-2	EX	76554271	Whigham Enterprises Inc.	Holtzman Drost* Zervas	2(d); 2(e)(1)	Refusal Affirmed on both grounds		"TI CHOKE" [shotgun choke tubes]	"TI" (and design) [firearms]	Lapter	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

July 31 – August 4, 2006 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-3	EX	78355503	IPIQ, LLC	Hairston* Holtzman Kuhlke	2(e)(1)	Refusal Affirmed		“RETURN ON INTELLECTUAL PROPERTY” [financial analysis and consultation, namely, calculation of the expected financial value from intellectual assets, intellectual property, and investments in intellectual property and intellectual assets]		White	No
8-3	EX	78373781	Leoni Engineering Products & Services	Seeherman Hairston* Cataldo	2(e)(1)	Refusal Affirmed		“DRESSPACK” [robotic cable assemblies being parts for industrial robots, consisting of integral electric cables, data cables, and hoses]		Blane	No
8-3	EX	78436161	Samsung Electronics Co., Ltd.	Seeherman Quinn* Walsh	2(d)	Refusal Affirmed		“WIDEPASS” [optical fibers]	“WIDELIGHT” [optical fibers; fiber optic cables; and parts and accessories of the aforesaid goods sold as a unit therewith, namely, connectors, joints, couplers, splitters, splicers and switchers]	Brown	No
8-3	EX	78445277	Panasonic Corporation of North America	Rogers Kuhlke Cataldo*	2(d)	Refusal Reversed		“HI PHI” (and design) [car audio speakers]	“HIFI.COM” [retail store and mail order services featuring audio electronic components]	Dukovcic	No
8-4	EX	76626384	Douglas Elslager	Seeherman* Quinn Hairston	2(e)(1)	Refusal Affirmed		“ISLANDHOME.INFO” [advertising and marketing of real estate available for sale or lease on one or more islands]		White	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

July 31 – August 4, 2006 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-4	CANC (SJ)	92041636	Dan Warren v. Keith Rosenberg	Quinn Rogers Cataldo [Opinion "By the Board" (Lykos)]	whether opposer has standing to assert grounds for cancellation in view of a prior state court judgment	Petition to Cancel Denied [Respondent's motion for summary judgment granted]		<i>two registrations for: "TRIP THEORY" [in Class 9: phonograph records featuring music, pre-recorded audio cassettes featuring music, and CDs featuring music] and [in Class 41: entertainment, namely, live music performances]</i>			No
8-4	EX	76559059	Spire Corporation	Seeherman* Hohein Walters	2(d)	Refusal Affirmed		"DECATHLON" [catheters]	"DECATHLON" [hypodermic needles for medical use]	Awrich	No
8-4	EX	78335027	Rugged Outdoor Computing, L.L.C	Quinn* Holtzman Rogers	2(d)	Refusal Affirmed		"ENDURO" [portable personal computers]	<i>2 cited registrations, both owned by the same entity: "ENDURA" and "ENDURA" (and design) [both marks for: semiconductors; semiconductor devices, namely, power regulating integrated circuits for personal computers, file servers, and portable personal computer appliances; integrated circuits; electrical and electronic devices and components, namely, power regulating integrated circuits for personal computers, file servers, and portable personal computer appliances]</i>	R. Smith	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

July 31 – August 4, 2006 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-4	CANC	92041408	Home Pro Systems, Inc. v. Personal Home Pro of the Quad Cities, LLC	Zervas* Walsh Cataldo	2(d)	Petition to Cancel Granted	"HOMEPRO SYSTEMS, INC." (and design) [books and report forms relating to house and building inspection, maintenance, and repair; providing house and building inspection services and subsequently producing inspection reports based thereon]	"PERSONAL HOME PRO" (and design) [home maintenance and improvement services]			No
8-4	OPP	91119899	Duramax Marine, LLC v. R.W. Fernstrum & Company	Grendel Rogers* Zervas	whether applicant's mark is functional; 2(e)(1); whether, if descriptive, applicant's mark has acquired distinctive-ness; affirmative defense of estoppel	Opposition Sustained on grounds that applicant's mark is merely descriptive and without acquired distinctive-ness		a design mark consisting of a two-dimensional graphic representation of the goods applicant manufactures [manufacturing marine heat exchangers to the order and specification of others]			Yes
8-4	EX	78099133	Uromedica, Inc.	Bucher Drost Zervas*	2(d)	Refusal Affirmed		"PROACT" [adjustable, surgically-implantable devices for the treatment of incontinency]	"PROACT" [surgical device for adhesion control therapy consisting of an electronic controller that monitors treatment parameters and an applicator that contacts tissue to be treated]	Will	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
July 31 – August 4, 2006 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-4	EX	78398981	Golden West Financial	Bucher Kuhlke Walsh*	2(e)(1)	Refusal Reversed		"PICK-A-PAYMENT" [savings and loan services]		Rittner	No
8-4	EX	78433647	Saviah Rose Winery, LLC	Grendel* Drost Kuhlke	2(d)	Refusal Affirmed		"BIG SKY CUVÉE" [wines selling for a retail price of greater than thirty dollars a bottle]	"BIG SKY BREWING COMPANY" [beer]	Faint	No
8-4	OPP	91117378	Omega, S.A. v. Pan-chacharam, Shawn	Quinn Rogers* Kuhlke	2(d) [Note: The opposition was filed against the goods in Class 9 only and not against the services in Class 35.]	Opposition Sustained [Application will proceed to registration in the unopposed Class 35 only.]	"OMEGA" [watches and parts thereof]; "OMEGA" (and design) [automatic recording machines and electronic apparatus for use in sporting events]; "OMEGA" (and design) [electronic time recorders for automatic precision timing in science and industry]; "OMEGA" (and design) [computer apparatus for checking and controlling measurement of time and distance for sporting events; computers for calculating information in respect of time and distance, storing such information, and making the same available in visual or audible form; and other items]	"OMEGABYTE" [in Class 9: computer hardware and peripherals; in Class 35: retail computer stores and wholesale distributorships featuring computers]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
July 31 – August 4, 2006 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-4	EX	79000985	Lutz GmbH Maschinenbau	Holtzman* Rogers Drost	2(d)	Refusal Affirmed as to both cited registrations		"LUTZ" (in stylized design format) [power-driven woodworking machines, including circular saws, table saws, band saws, planing machines, and wood splitters, for cutting and shaping lumber; stone cutting machines]	<i>2 cited registrations, both owned by the same entity: "LUTZ" and "LUTZ SINCE 1904" (and design) [both marks for: hand tools and parts thereof, namely, scrapers, razor blades, utility knives, utility hook blades, corner utility blades, wire scratch brushes, file handles, file cleaners, files and screw drivers]</i>	Pham	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration (2) *=Opinion Writer; (D)=Dissenting Panel Member